



March 25, 2005

ENGROSSED HOUSE BILL No. 1057

DIGEST OF HB 1057 (Updated March 22, 2005 12:19 pm - DI 75)

Citations Affected: IC 9-30.

Synopsis: Open alcoholic beverage containers. Creates exceptions to the law concerning open alcoholic beverage containers in motor vehicles. Removes the requirement that, in proving a violation of the law, the state must show that the driver of the motor vehicle had a minimum level of alcohol in the driver's blood or breath. Specifies that a violation of the law occurs while the motor vehicle is on the right-of-way of a public highway even if the vehicle is not in operation.

Effective: July 1, 2005.

Duncan, Stutzman

(SENATE SPONSORS — WYSS, ROGERS)

January 4, 2005, read first time and referred to Committee on Roads and Transportation.
January 24, 2005, amended, reported — Do Pass.
January 27, 2005, read second time, ordered engrossed. Engrossed.
January 31, 2005, read third time, passed. Yeas 72, nays 26.

SENATE ACTION

February 14, 2005, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.
March 24, 2005, amended, reported favorably — Do Pass.

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EH 1057—LS 6540/DI 69+



March 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1057

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-15-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) **This section**
3 **does not apply to the following:**

4 (1) **A container possessed by a person who is:**

5 (A) **not the driver of a motor vehicle; and**

6 (B) **either:**

7 (i) **in the passenger compartment of a motor vehicle**
8 **designed, maintained, or used primarily for the**
9 **transportation of persons for compensation; or**

10 (ii) **in the living quarters of a house coach or house**
11 **trailer.**

12 (2) **A container located in a fixed center console or other**
13 **similar fixed compartment that is locked.**

14 (3) **A container located:**

15 (A) **behind the last upright seat; or**

16 (B) **in an area not normally occupied by a person;**
17 **in a motor vehicle that is not equipped with a trunk.**

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(b) The operator driver of a motor vehicle who has an alcohol concentration equivalent to at least four-hundredths (0.04) gram of alcohol per one hundred (100) milliliters of the blood; or per two hundred ten (210) liters of the breath; and who, while the motor vehicle is in operation knowingly or while the motor vehicle is located on the right-of-way of a public highway, allows a container:

- (1) that has been opened;
- (2) that has a broken seal; or
- (3) from which some of the contents have been removed;

to be in the passenger compartment of the motor vehicle commits a Class B infraction.

(c) If a person is found to have a previous unrelated judgment under this section or a previous unrelated conviction or judgment under IC 9-30-5 within twelve (12) months before a violation that results in a judgment under this chapter, the court may recommend the person's driving privileges be suspended for not more than one (1) year.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1057, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "locked glove compartment." and insert "**fixed center console or other similar fixed compartment that is locked.**".

Page 2, line 7, strike "Class B" and insert "**Class D**".

and when so amended that said bill do pass.

(Reference is to HB 1057 as introduced.)

DUNCAN, Chair

Committee Vote: yeas 12, nays 0.

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SENATE MOTION

Madam President: I move that Senator Rogers be added as second sponsor of Engrossed House Bill 1057.

WYSS

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred House Bill No. 1057, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, after "3." insert **"(a) This section does not apply to the following:**

(1) A container possessed by a person who is:

(A) not the driver of a motor vehicle; and

(B) either:

(i) in the passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(ii) in the living quarters of a house coach or house trailer.

(2) A container located in a fixed center console or other similar fixed compartment that is locked.

(3) A container located:

(A) behind the last upright seat; or

(B) in an area not normally occupied by a person; in a motor vehicle that is not equipped with a trunk.

(b)".

Page 1, line 2, reset in roman "The".

Page 1, line 2, after "operator" insert **"driver"**.

Page 1, line 2, reset in roman "of".

Page 1, line 2, delete "(a)".

Page 1, delete lines 3 through 14.

Page 1, line 15, delete "(b) A person in".

Page 1, run in lines 2 through 15.

Page 2, line 2, after "knowingly" insert **"or while the motor vehicle is located on the right-of-way of a public highway,"**.

Page 2, line 2, reset in roman "allows".

Page 2, line 2, delete "or while the motor vehicle is located on the".

Page 2, line 3, delete "right-of-way of a public highway, possesses".

Page 2, line 7, reset in roman "to be".

Page 2, line 8, reset in roman "Class B".

Page 2, line 8, delete "Class D".

Page 2, line 8, after "." begin a new paragraph and insert:

"(c)".

Page 2, line 8, reset in roman "If a person is found to have a previous".

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Page 2, reset in roman lines 9 through 13.

Page 2, delete lines 14 through 18.

and when so amended that said bill do pass.

(Reference is to HB 1057 as printed January 25, 2005.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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